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October 2, 2009

VIA TELECOPIER AND ECF

Hon. Joseph F. Bianco, U.S.D.J.
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Puglisi v. Debt Recovery Solutions, LLC, 08 CV 5024 (JFB)(WDW)

Dear Judge Bianco:

I write in response to Mr. Fishbein's letter of today. Defendant's position was set forth in my email to Mr. Fishbein, which he forwarded to the Court. What he declined to forward to Your Honor was the printout he had previously received, and the one I sent him earlier today. They are attached hereto and, as the Court will note, they are virtually identical and contain nothing to support Mr. Fishbein's prior claim to this Court that Defendant modified the pay agreement to into which Plaintiff had entered. That purported modification was and is the only possible grounds for an amended Complaint. Anything else is frivolous. As for his objection to the timing of my giving him the report, he ignores the fact that I called him weeks ago (just after the Court's conference) and told him that there was nothing on any subsequent report to the one he already had supporting his position. Why he waited until a few days before his Amended Complaint is due to write the Court for more time is unclear.

Mr. Fishbein continues to try to make this a personal battle between attorneys. I am not and will not be party to that. I mentioned sanctions again, just as I did when we had our conference with Your Honor, because Rule 11 requires that a party or attorney who will be subjected to a request therefor be given the opportunity to withdraw their case. Mr. Fishbein likes to accuse debt collectors and their attorneys of harassment. Judge Weinstein of this Court disagreed when he recently dismissed another of Mr. Fishbein's baseless actions brought in this Court, "The case illustrates abuse of creditors through the misuse of a statute designed to protect debtors from abuse by creditors." *Weber v. Computer Credit, Inc.*, 009 U.S. Dist. LEXIS 57632 (09-CV-187)

As I told him in my email which he quoted, if he believes that he can amend the complaint without frivolous allegations, he still has three days to do so. He's had, and he continues to have ample time. He has made repeated requests for more time, for vacations, holidays, and the

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like. Defendant does not believe that any further adjournments are appropriate, and reiterates its opposition to the request. Thank you.

Very truly yours,

Lawrence W. Rader

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cc: Adam Fishbein, Esq.